

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 144 OF 2017

Construction Engineer through its Proprietor	...	Petitioner
Versus		
Bharti Infratel Limited	...	Respondent

Mr. N.V. Gaware alongwith Ms. P. Sontakke instructed by V.S. Tadake for the Petitioner in both the Petitions.

Mr.Mustafa Doctor, Senior Advocate alongwith Mr. Dharmesh Jain instructed by Mr. Anil Agarwal for the Respondent in ARP-144-2017.

Mr. Dharmesh Jain instructed by Mr. Anil Agarwal for the Respondent in ARP-145-2017.

CORAM : S.J. KATHAWALLA, J.
DATED : 6th JULY, 2018

P.C.:

1. Heard the Learned Advocates appearing for the parties. The following order is passed, by consent :-

(a) Mr. M.G. Gaikwad, former Judge of this Court is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Agreement dated 26th February, 2007.

(b) The disclosure of Mr. M.G. Gaikwad, former Judge of this Court, under Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996 as amended by the Arbitration and Conciliation (Amendment) Act, 2015 (Act No.3 of 2016) (*the Act*) is taken on record.

(c) The parties shall appear before the Learned Arbitrator in his Chambers on 13th July, 2018 at 11.00 a.m. and obtain necessary directions.

(f) The Learned Arbitrator shall not grant adjournment/s to the parties unless absolutely necessary.

(g) The venue of arbitration shall be at Mumbai.

(h) The cost of arbitration shall initially be borne by the parties equally.

(i) All contentions of the parties are kept open.

2. In view of this order, the above Arbitration Petition is disposed off.

(S.J.KATHAWALLA, J.)